

No. 23-1174 (L), 23-1221

IN THE
**United States Court of Appeals for the District of
Columbia Circuit**

CITY OF PORT ISABEL, ET AL.,

Petitioners,

v.

FEDERAL ENERGY REGULATORY COMMISSION,

Respondent,

RIO BRAVO PIPELINE COMPANY, LLC; RIO GRANDE LNG, LLC

Intervenors for Respondent.

On Petition for Review of Orders of the Federal
Energy Regulatory Commission

**MOTION FOR A 30-DAY EXTENSION OF TIME TO PETITION
FOR REHEARING AND REHEARING EN BANC**

Geoffrey Shaw
ORRICK, HERRINGTON &
SUTCLIFFE LLP
1201 355 S. Grand Avenue
Los Angeles, CA 90071

Robert M. Loeb
ORRICK, HERRINGTON &
SUTCLIFFE LLP
2100 Pennsylvania Ave., NW
Washington, DC 20037
(202) 339-8400

Lisa M. Tonery
Andrew D. Silverman
Emily Villano
ORRICK, HERRINGTON &
SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019

Counsel for Intervenor Rio Grande LNG

Intervenor Rio Grande LNG (Rio Grande) moves for a 30-day extension of the current deadline for parties to seek rehearing and rehearing en banc. With the requested 30-day extension of time, a petition for rehearing and rehearing en banc will be due October 21, 2024. Respondent Federal Energy Regulatory Commission (the Commission) and Intervenors Rio Bravo and Texas LNG consent to this motion. Petitioners have said that they will oppose this motion.

In support of its motion, Rio Grande states:

1. These consolidated cases seek judicial review of two final agency actions, *Rio Grande LNG, LLC*, 183 FERC ¶61,046 (April 21, 2023), and *Rio Grande LNG, LLC*, 185 FERC ¶61,080 (October 27, 2023).
2. On August 6, 2024, this Court issued its opinion, which granted the petitions for review in part and vacated the authorization orders of the Commission. Pursuant to Circuit Rules 35 and 40, petitions for rehearing and rehearing en banc are due September 20, 2024. No prior extensions of this filing date have been sought. With the requested 30-day extension of time, a petition for rehearing and rehearing en banc will be due October 21, 2024.

3. Undersigned counsel has only recently been retained to represent Rio Grande on appeal in this matter. Additional time is necessary for counsel to become fully familiar with the issues, the decisions below, the record and relevant case law (including examining how this Court's decision compares to the law in other circuits), and to present the issues for this Court's review.
4. The additional time will permit coordination with counsel for Rio Bravo, Texas LNG and FERC, and will help avoid the parties from filing redundant petitions for rehearing *en banc*.
5. New circumstances also support the requested additional time. Rio Grande, following extensive consideration, recently requested to withdraw its pending proposal related to Carbon Capture and Sequestration (CCS) before the Commission. The CCS proposal was central to this Court's analysis on several issues. If accepted, the proposed withdrawal will materially affect the issues Rio Grande presents in its rehearing petition. Thus, allowing time for the Commission to act on Rio Grande's requested withdrawal will enable Rio Grande to focus the issues in its petition and avoid discussion of issues that may soon become moot.

6. There is also additional good cause for a 30-day extension for Intervenor's petition for rehearing based on other court deadlines and responsibilities.

- The undersigned counsel also has a response appellate brief due **August 23** in *Kleiner v. Rite Aid Corp., et al.*, No. 2886 EDA 2023 (Pa. Sup. Ct.), a case involving a lengthy record from an approximately five-week jury trial.
- Undersigned counsel needs to prepare for the oral argument proceedings in this Court **September 10** in *Healthy Gulf v. FERC*.
- Counsel also has a Brief in Opposition due **September 27** in *Mississippi District Council for Assemblies of God v. Beachy*, No. 23-1030 (S. Ct.); an opening appellate brief due **October 9** in *Anthology v. Tarrant County College District* (5th Cir. No. 24-10630); and a Petition for Writ of Certiorari in *Reid v. The Doe Run Resources Corp.* (8th Cir. No. 23-1625), due **October 30**.
- In addition, undersigned counsel has business-related travel from September 9-12.

7. Undersigned counsel for Rio Grande LNG has consulted with counsel for the other Intervenors, Petitioners and Respondent. Respondent FERC and Intervenors Rio Bravo and Texas LNG consent to this motion. Petitioners have stated that they will oppose the motion.

CONCLUSION

For the forgoing reasons, this Court should grant the requested 30-day extension of time (to and including October 21, 2024) to petition for rehearing and rehearing en banc in these consolidated cases.

Respectfully submitted,

/s/ Robert M. Loeb

Geoffrey Shaw
ORRICK, HERRINGTON &
SUTCLIFFE LLP
1201 355 S. Grand Avenue
Los Angeles, CA 90071

Robert M. Loeb
ORRICK, HERRINGTON &
SUTCLIFFE LLP
2100 Pennsylvania Ave., NW
Washington, DC 20037
(202) 339-8400

Lisa M. Tonery
Andrew D. Silverman
Emily Villano
ORRICK, HERRINGTON &
SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019

Counsel for Intervenor Rio Grande LNG

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because this motion contains 603 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word 365 in Century Schoolbook 14-point font.

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Robert M. Loeb

Robert M. Loeb

Counsel for Intervenor Rio Grande LNG